

REMARKS

Reconsideration of the application in view of the above amendment and the following remarks is respectfully requested. No claims have been amended. Claims 1-36 are currently pending in the application.

OBJECTIONS TO THE SPECIFICATION

In the Final Office Action, the Examiner objected to the Specification for allegedly failing to provide proper antecedent basis for the term "machine-readable storage medium". Without any admission as to the veracity of this objection, but rather in the interest of advancing prosecution, Applicants have amended the Specification to include a specific reference to this term. Since this information was already implicitly contained in the application, no new matter has been added. Applicants believe that this amendment addresses the Examiner's concerns; therefore, Applicants respectfully request that this objection be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by Tucker et al. (U.S. Publication No. 2005/021788 A1). This rejection is respectfully traversed.

Applicants submit that Tucker does not qualify as a proper prior art reference. Applicants note that the present application claims priority to U.S. Provisional Application Serial No. 60/469,558, which was filed on May 9, 2003, and which provides support for the claimed subject matter. Thus, the effective filing date of the present application is May 9, 2003. Since this date precedes the filing date (January 21, 2004) of Tucker, and is contemporaneous with the priority

date (May 9, 2003) of Tucker, Tucker does not qualify as a prior art reference under 35 U.S.C. §102(e). Without Tucker, the Examiner's rejection cannot be sustained. Accordingly, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants submit that all of the pending claims are patentable over the art of record, including any art cited but not applied. Accordingly, allowance of all of the pending claims is hereby respectfully solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issues that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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